

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MEMORANDUM & ORDER

DUGAN, District Judge:

Defendant filed a *pro se* Motion for Sentence Reduction pursuant to 18 U.S.C. § 3582 and Amendment 821 to the 2023 United States Sentencing guidelines. (Doc. 477). The Court directed the Federal Public Defender to enter an appearance to determine whether Defendant is eligible for relief. (Doc. 65). Federal Defender Kim Freter entered her appearance for Defendant before filing a Motion to Withdraw, asserting that there is no meritorious basis for Defendant to obtain relief under Amendment 821. (Docs. 484 and 485).

Upon review of the record and the relevant authority, the Court finds that Defendant is not eligible for a sentence reduction. Amendment 821 became effective November 1, 2023, eight days before Defendant's sentencing hearing. In sentencing Defendant, the Court applied the Sentencing Guidelines in effect on November 9, 2023 (the date of sentencing), which included Amendment 821. (Docs. 422, 430 and 433). Accordingly, Defendant was not sentenced to a term of imprisonment based on a

sentencing range that has subsequently been lowered by the Sentencing Commission and is not eligible for a sentence reduction.

Therefore, the Motion for a Reduction of Sentence Pursuant to 18 U.S.C. § 3582 and Amendment 821 (Doc. 477) is **DENIED**. The Motion to Withdraw (Doc. 483) is **GRANTED**. The Judgment dated November 9, 2023 remains in full force and effect. (Doc. 433).

SO ORDERED.

Dated: February 25, 2025

s/ David W. Dugan

DAVID W. DUGAN
United States District Judge